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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,984	03/24/2004	Jacques Brochu	2690-1A	7028
Eric Fincham 316 Knowlton Road Lac Brome, QC J0E 1V0 CANADA	7590 11/28/2007		EXAMINER MYERS, JEROME B	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 11/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/808,984	Applicant(s) BROCHU, JACQUES	
	Examiner Jerome B. Myers	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060427</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-6 of US Application No. 10/808984, filed on 03/24/2004, are presented for examination.
2. The information disclosure statement (IDS) filed on 04/27/2006 is in compliance with 37 CFR 1.97 and is being considered by the examiner.
3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Canada on March 24, 2003. It is noted, however, that applicant has not filed a certified copy of the 2,423,353 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen (5,964,072) in view of Gibson (6,047,513).
6. Regarding claim 1, Rasmussen discloses construction framework for buildings (structures) comprising a plurality of base members each having an inwardly facing opening, with said base members extending about a perimeter of the building structure (Fig. 18 & 19); a plurality of studs extending upwardly from said base member.

Rasmussen does not teach a concrete base, a plurality of rafters, or a roof mounted on said rafters.

7. Gibson teaches a plurality of rafters extending between a pair of wall sections (Fig. 2).

8. It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to have combined the framework of Rasmussen with the Rafters of Gibson because it is well known in the art to construct a building with a roof structure.

9. It is also well known in the art for the roof structure to be covered in a roofing material, usually plywood in residential construction.

Additionally it is well known in the art for such structures to have reinforced concrete slabs as their base in which the base structure members are connected too, via anchors, masonry screws, masonry nails or other methods.

10. Regarding claim 2, Rasmussen discloses construction framework for buildings (structures) comprising a plurality of base members wherein said base members comprise an outwardly facing sidewall, inwardly extending top and bottom walls, And flanges located at the distal end of each said top and bottom wall (Fig. 18 & 19).

11. Regarding claim 3, Rasmussen does not disclose, but does teach the use of a plurality of laterally extending members, wherein the lateral members extend between and enter connecting said studs. (See dotted lines of Fig. 18)

12. Regarding claim 4, Rasmussen in view of Gibson teaches a plurality of rafter connectors (Gibson (22)) having a generally U-shaped cross section configuration.

13. Regarding claim 5, it is well known in the art that the concrete base of building structures include reinforcing mesh imbedded in said base. Commonly used in concrete slabs about 4" or greater.

14. Regarding claim 6, Rasmussen in view of Gibson comprises a plurality of base members, each having a generally C-shaped configuration; a plurality of metallic studs; a plurality of rafters; a plurality of rafter connectors, wherein the connectors being a sheet metal member having slots formed therein; and a plurality of rafter retainer members, wherein said rafter retainer members being a sheet metal member having slots formed therein to permit bending to form a substantially U-shaped component.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome B. Myers whose telephone number is (571) 270-3097. The examiner can normally be reached on Mon-Fri, 7:30AM-5:00PM, Alt. Fri Off, EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JBM



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER